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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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AUG 15 2008
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MICHAEL W. DOBBINS
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LCW

MELVIN CENTENO
PLAINTIFF,

CASE NO: 08 cv 2756

-VS-

JUDGE: JAMES B. ZAGEL

WEXFORD HEALTH SOURCES, INC., Health
Care Provider for Stateville Correctional
Center;

PARTHA GHOSH, M.D., Medical Director
of Stateville Correctional Center in his
Official and Individual capacity and
as Employee or Agent of WEXFORD HEALTH
SOURCES, INC.;

C.A. VANCE, MEDICAL ADMINISTRATOR of
Stateville Correctional Center in her
Official and Individual capacity and as
Employee or Agent of WEXFORD HEALTH
SOURCES, INC.;

MICHAEL BORKOWSKY (MIKE), Medical Technician
of Stateville Correctional Center in his
Official and Individual capacity and as
Employee or Agent of WEXFORD HEALTH SOURCES, INC.;

VENITA WRIGHT, Assistant Warden of Operations
(now Major) of Stateville Correctional Center
in her Official and Individual capacity;

DEFENDANTS.

AMENDED COMPLAINT

COMPLAINT UNDER THE CIVIL RIGHTS ACT
TITLE 42 SECTION 1983 U.S. CODE.

(1) PLAINTIFF:

Melvin Centeno
Register #K72719
Stateville Correctional Center
P.O. Box 112
Joliet, Illinois 60434

(2) DEFENDANTS:

1- Wexford Health Sources, Inc.
Foster Plaza 2
425 Holiday Dr.
Pittsburgh. PA. 15220

2- Partha Ghosh, M.D., Medical Director
Stateville Correctional Center
P.O. Box 112
Joliet, Illinois 60434

3- C.A. Vance, Medical Administrator
Stateville Correctional Center
P.O. Box 112
Joliet, Illinois 60434

4- Michael Borkowsky, Medical Technician
Stateville Correctional Center
P.O. Box 112
Joliet, Illinois 60434

5- Venita Wright, Major
Stateville Correctional Center
P.O. Box 112
Joliet, Illinois 60434

(3) EXHAUSTION OF ADMINISTRATIVE REMEDIES:

- A- The grievance procedure has been exhausted in this case.
- B- Filed numerous grievances. Some were answered, and many have not. Dr. Ghosh continually has deceived all entities as far as telling them that matter has been resolved.
- C- Nothing but lies and neglect concerning Plaintiff's acute knee injury.
- D- Appealed grievance procedure to the A.D.R. board about neglect of adequate medical care at Stateville C.C., and about grievances not being answered at all, and their response was that Medical Personnel had told them that matter had been resolved.

(4) LIST OF ALL LAWSUITS FILED:

- A- Centeno v. McAuley, et al., Court #04 C 1442.
- B- Approximate date of filing, Feb. 24, 2004.
- C- Plaintiff was the only person on litigation.
- D- Defendants were; James McAuley, Sergio Rodriquez, past and present Medical Directors of Cermak Health Services, and Michael Sheahan, past Sheriff of Cook County, Illinois.
- E- Litigation was filed in the United States District Court, Northern District of Illinois, Eastern Division.

F- Case was assigned to the Honorable Judge Zagel.

G- Basic claim made: Deliberate Indifference and Deprivation Adequate Medical Care, 8th Amendment Violation.

H- Disposition of the case was settled with defendants.

I- Approximate date of disposition was between July & August of 2007.

(5) STATEMENT OF CLAIM:

This is a Civil Rights case arising from the defendants crippling entrapment of Plaintiff, by deliberately denying, urgently necessary surgery. Orthopedic Specialists (Surgeons), in the excess of eight, from the University of Illinois at Chicago, and John Stroger Hospitals, have informed the defendants through their Orthopedic Notes and Assessments (medical records) that the Plaintiff needs an Osteotomy and Multiligamentous surgeries in order to repair an acute injury to Plaintiffs left knee. Plaintiffs knee is deplorable and is journeying to irreparable harm because of the neglect of adequate medical care and the deliberate indifference at the hands of WEXFORD HEALTH SOURCES, INC., PARTHA GHOSH, C.A. VANCE, Michael Borkowski AND VENITA WRIGHT.

Since 2006, Plaintiff has seen Orthopedic Specialist's at U of I at Chicago; 3/30/06, 2/27/07, 3/29/07, 3/6/08, and in each consultation, it has been clearly documented that Plaintiff needs Reconstructive Knee Surgery. Once back at Stateville C.C., medical director blatantly disregards course of treatment from Orthopedic Specialist's (Surgeon's). Even a simple DONJOY ANTERIOR CRUCIATE LIGAMENT / POSTERIOR CRUCIATE LIGAMENT BRACE WITH A POSTERIOR CRUCIATE LIGAMENT STRAP, that was prescribed on 3/30/06, to stabilize movement, has been deliberately denied.

All this deliberate indifference and deprivation of adequate medical care, and submitting Plaintiff to cruel and unusual punishment, is derived from an adopted Cost-Cutting Policy from WEXFORD HEALTH SOURCES, INC., ADMINISTRATOR VANCE, AND MEDICAL DIRECTOR GHOSH. Because of neglect to Plaintiffs basic medical care, the instability to his knee has exasperated to the point of irreparable harm. Even basic pain management as pain medication has ceased to be afforded to Plaintiff. Plaintiff is being deliberately denied any meaningful medical care because Plaintiff has submitted grievances and letters trying to have a basic Constitutional Right addressed. Defendant, Partha Ghosh, has said that 'he would not see Plaintiff and that he would whenever he desired. To stop bugging him.' Yet, Plaintiff continues to suffer because of his deliberate indifference.

Plaintiff has contacted, through mail, WEXFORD HEALTH SOURCES, INC., in regards to denying Plaintiffs surgery, and family of Plaintiff have called their offices and all we have got is complete silence. Through the Contract of Services between WEXFORD and MEDICAL DIRECTOR, it is clear that WEXFORD is notified and has been notified of Plaintiffs condition, yet, they choose to intentionally delay in providing medical treatment, afforded through their contract with IDOC. Contract specifically says that Vendor shall ensure that a treatment plan is developed for each inmate who requires on-going care. And Vendor shall arrange for the provision of medical services to IDOC inmates on site and off site as medically indicated. Medical services are to be provided in accordance with medically accepted community standards of care. This is a clear signature of disregard for human well-being, and this deliberate indifference must be afforded due process.

Plaintiff has notified each defendant numerous times, but to no avail. These defendants have prevented Plaintiff from receiving recommended treatment, and have denied Plaintiff access to medical personnel capable of curbing his acuteness. Plaintiff can attest that this insipid and insidious and inhumane condition

is a long practice in this Institution and it's Health Care providers. Each defendant has played a role in denying or refusing access to Plaintiff to meaningful and necessary medical care, that has been documented clearly in medical records by Orthopedic Specialist's.

It is clear that prisoners are guaranteed the right to be free from deliberate indifference to serious physical needs. It is clear that a prolonged delay since recommendation for surgery suggests that prison officials have exhibited deliberate indifference to Plaintiffs medical needs.

The conduct of WEXFORD HEALTH SOURCES, INC., MEDICAL DIRECTOR PARTHA GHOSH, MEDICAL ADMINISTRATOR C.A. VANCE, MED. TECH. MICHAEL BORKOWSKI, and MAJOR VENITA WRIGHT is intentional and criminally reckless. Partha Ghosh is not allowing Plaintiff to be treated at all, and denying recommendations by Plaintiffs current doctor at the University of Illinois at Chicago Medical Center, to have Reconstructive Knee Surgery. These Bureaucratic obstacles of adopted cost-cutting policies by Wexford Health Sources, Inc., C.A. Vance, and Partha Ghosh have put Plaintiff in a miniature hell.

Med. Tech. Borkowski, (Mike) who is in charge of medical at unit in which Plaintiff is housed, has neglected to process any request to see doctors outside unit, and even has told Plaintiff that he is god and can do whatever he wants. Plaintiff has been told by staff and other witnesses that Med. Tech. has said that the Health Care Administrators are not going to spend any money on me to receive this expensive surgery, so I better stop submitting requests.

Plaintiff has written VENITA WRIGHT, when she was Assistant Warden of Operations (now Major), numerous times asking that she investigate and help Plaintiff receive adequate medical care, yet, she also has followed the path of deliberate indifference to my medical needs.

PARTHA GHOSH, with deliberate indifference has underestimated the severity of the injury and is insufficiently interested in Plaintiffs health and safety, to even take minimum steps to guard against additional injury.

Defendant's, C.A. VANCE, PARTHA GHOSH, have not and will not render any treatment whatsoever to Plaintiff. WEXFORD HEALTH SOURCES, INC., C.A. VANCE, PARTHA GHOSH, and Mike Borkowski despite repeated requests from Plaintiff for adequate medical care, have intentionally, consciously, and with deliberate indifference, refuse to examine and administer any medical treatment, despite knowing of the injury, and dismissing Orthopedic Specialist's at U of I at Chicago, recommendations for surgery.

Defendant's WEXFORD, GHOSH, VANCE, Borkowski and Wright knowledge of Plaintiffs serious medical needs and/or with deliberate indifference to such medical needs, acted or failed to act in such a way so as to deprive Plaintiff of necessary and adequate medical care. Such acts of omissions by the defendants violated rights secured to Plaintiff by the Eighth and Fourteenth Amendments of the United States Constitution.

Defendants with knowledge of Plaintiffs serious medical needs and/or with deliberate indifference to such medical needs, acted or failed to act in such a manner so as to prevent Plaintiff from obtaining needed medical treatment and care. Such acts and omissions by the defendants violated rights secured to Plaintiff by the Eighth and 14th Amendments of the United States Constitution.

As a direct result of the above-described unlawful and malicious acts of the defendants, Plaintiff suffered and continues to suffer great physical injury, permanent, irreparable injury, and extreme pain in violation of the Eighth Amendment to the United States Constitution and the Fourteenth Amendment to

the United States Constitution, and 42 U.S.C. se. 1983.

JURY DEMAND

The Plaintiff demands a trial by jury on all issues raised in the pleadings.

RELIEF

Wherefore, the Plaintiff, Melvin Centeno, prays that he will be afforded his much needed surgery and post-op physical therapy; and prays for an award for damages sufficient to compensate him for the pain he has suffered and the exacerbation of the injury to his left knee and to punish the defendants for their wilful indifference to his Constitutional Rights, and award his costs for the prosecution of this suit.

By signing this complaint, I certify that the facts stated in this complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

SIGNED THIS 6TH DAY OF AUGUST OF 2008.



Melvin Centeno

Register #K72719

P.O. Box 112

Joliet, Illinois 60434